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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92059235
Party	Plaintiff Nite Ize, Inc.
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Date	09/29/2014
Attachments	Initial Disclosures 024338.0244.pdf(23941 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Trademark Registration No. 4179235
Mark: NITEYE

NITE IZE, INC.,)	
)	
Petitioner,)	Cancellation No. 92059235
)	
v.)	
)	
ZHANGWEI MO,)	
)	
Respondent.)	

PETITIONER'S INITIAL DISCLOSURES

Petitioner, Nite Ize, Inc. ("Petitioner"), by and through their undersigned counsel, pursuant to Fed. R. Civ. P. 26(a)(1) and 37 CFR ¶2.120(a)(2), hereby makes the following disclosures:ⁱ

A. Fed. R. Civ. P. 26(a)(1)(A): Individuals Likely to Have Discoverable Information

The following individuals are likely to have discoverable information that Petitioner may use to support his petition:

Name	Address and Telephone No.	Subjects of Information
Brena Isaac	Nite Ize, Inc. 5660 Central Avenue Boulder, CO 80301 303-449-2576	Ms. Isaac is the Marketing Director for Nite Ize, Inc. Ms. Isaac can testify as to the use of the NITE IZE mark, the famous nature of the mark, the confusion experienced among consumers, and history of the NITE IZE mark.
Clinton Todd	Nite Ize, Inc. 5660 Central Avenue	Mr. Todd is the General Counsel for Nite Ize, Inc.

Boulder, CO 80301
303-449-2576

Mr. Todd can testify as to the use of the NITE IZE mark and more recent usage history of the NITE IZE mark. Mr. Todd can testify concerning the enforcement history of NITE IZE.

Michael C. Boyd
Nite Ize, Inc.
5660 Central Avenue
Boulder, CO 80301
303-449-2576

Mr. Boyd is the President for Nite Ize, Inc. Mr. Boyd can testify as to the use of the NITE IZE mark and more recent usage history of the NITE IZE mark.

Richard N. Case
Nite Ize, Inc.
5660 Central Avenue
Boulder, CO 80301
303-449-2576

Mr. Case is the CEO and Founder of Nite Ize, Inc. Mr. Case can testify concerning the history of the NITE IZE mark. Mr. Case can testify concerning the famous nature of the mark, the confusion experienced among consumers, and the enforcement history of NITE IZE.

Carl A. Forest
Squire Patton Boggs LLP
1801 California St., Suite 4900
Denver CO 80202
303-894-6114

Mr. Forest is one of the Attorneys of Record for Nite Ize, Inc.'s intellectual property matters.

Robert P. Ziemian
Squire Patton Boggs LLP
1801 California St., Suite 4900
Denver CO 80202
303-894-6330

Mr. Ziemian is one of the Attorneys of Record for Nite Ize, Inc.'s intellectual Property matters.

B. Fed. R. Civ. P. 26(a)(1)(B): Documents Which May Support Claims

The following categories of documents or tangible things are in Applicant's possession, custody or control, and may be used to support his defenses:

Category of Documents and Things		Location
1.	Documents relating to the Application filed in the U.S. Patent & Trademark Office to register	Squire Patton Boggs LLP

- | | | |
|----|--|---|
| 2. | Documents relating to the selection and use of the mark | Brena Isaac, Richard N. Case, Michael C. Boyd, Clinton Todd |
| 3. | Enforcement history of NITE IZE marks. | Squire Patton Boggs LLP, Clinton Todd |
| 4. | Documents relating to the famous nature of the NITE IZE marks. | Clinton Todd |
| 5. | Evidence concerning consumer confusion related to the NITEYE mark and the NITE IZE marks | Clinton Todd |

Dated September 29, 2014

Respectfully submitted,
SQUIRE PATTON BOGGS LLP

By:



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Attorneys for Petitioner

ⁱ Applicant respectfully reserves the right to supplement these disclosures as discovery continues.